FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

(1) C.A. No.3235/2005 in F.A.(ST) 15790 of 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

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Coram : R.S.Mohite,JJ

Date : 9.8.2005.

PC

1. This is an application for condonation of delay. The delay is of 58 days. A reply has been filed on behalf of respondent no.4 in which it is alleged that the delay has been wrongly calculated and that the actual delay could be of 104 days. Learned Advocate for respondents however, now conceaded that 104 days delay is also wrong and delay is actually of 74 days.

2. Perused the application and reply. It is contended that the impugned decree was passed on

31.1.2005 and thereafter the applicants attended the Advocate's office from time to time and requested them for copy of the order as they wanted to file an appeal. A copy of the order has been furnished by the Advocate after 15 days. They then changed their Advocate and new Advocate informed them that appeal was required to be filed on or before 10.5.2005. Period of filing the appeal has expired. That the decree was passed only on 11.4.2004. In my view, in the interest of justice the delay can be condoned by imposing cost. It is therefore, directed that Civil application is made absolute and the delay in filing of the appeal is condoned subject to the payment of cost of Rs.1000/- which will be paid directly to the Advocate for the respondents within a period of one week from today.

(R.S.Mohite,J)

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

(1) FIRST APPEAL (ST) NO.15790 of 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

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Coram : R.S.Mohite,JJ

Date : 9.8.2005.

PC

1. Appeal may be listed for admission on 16.8.2005.

(R.S.Mohite,J)